

UNITED STATES DISTRICT COURT FOR MIDDLE DISTRICT
OF PENNSYLVANIA

BRANDON TIMMONS
PLAINTIFF

V.

CO1 ISSAC
CO1 EDMONDS
INDIVIDUALLY AND IN THEIR
OFFICIAL CAPACITIES
DEFENDANTS

COMPLAINT
CIVIL ACTION NO. _____

FILED
SCRANTON

NOV 03 2020

Per _____
DEPUTY CLERK

JURISDICTION AND VENUE

THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THIS COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343 (a)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFFS CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

THE MIDDLE DISTRICT OF PENNSYLVANIA IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391 (b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

I. PLAINTIFF

PLAINTIFF, BRANDON TIMMONS, IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF PENNSYLVANIA IN THE CUSTODY OF THE PA DEPARTMENT OF CORRECTIONS. HE IS CURRENTLY CONFINED SCI FRACKVILLE, IN FRACKVILLE PA

II. DEFENDANTS

~~DEFENDANT ISSACS~~
DEFENDANT ISSACS IS A CORRECTIONAL OFFICER
OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS
WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT
HELD THE RANK OF CO1 AND WAS ASSIGNED
TO SCI FRACKVILLE

DEFENDANT EDMONDS IS A CORRECTIONAL OFFICER
OF THE PENNSYLVANIA DEPARTMENT OF CORRECTIONS
WHO, AT ALL TIMES MENTIONED IN THIS COMPLAINT
HELD THE RANK OF CO1 AND WAS ASSIGNED
TO SCI-FRACKVILLE

III. FACTS

1. ON THE DATE OF 11/18/19 I WAS ORDERED TO GO TO MY CELL BY SGT. ALLEN WHILE ON MY WAY TO MY CELL CO#1 ISSAC SPRAYED ME WITH O.C SPRAY IN THE BACK OF MY HEAD EYES GENITALS ETC. THIS HAPPEND ON THE BLOCK C-A. THIS UNPLANNED USE OF FORCE WAS NOT JUSTIFIED AND WAS EXCESSIVE. WHEN I WAS NOT A THREAT TO ANYONE AND WALKING TO MY CELL.
2. MINUTES LATER DURING STRIP CAGE INTERVIEW I TOLD LT. JOHN DOE, CO1 JOHN DOE #1, CO1 JOHN DOE #2, AND CO1 EDMONDS, TO GET MEDICAL FOR ME THAT I WAS NOT DICONTAMINATED FROM THE O.C AND THAT MY GENITALS AND BODY WAS BURNING, I ALSO TOLD THAT I WAS SUICIDAL MULTIPLE TIMES THEY SHRUGGED THERE SHOULDERS STATED OKAY AND HAD ME PLACED IN A CELL AND ALLOWED ME TO BANG MY HEAD CONTINUOUSLY AND PERFORM DEEP TEN ON MYSELF CUTTING THE OXYGEN FROM MY BRAIN. THIS HAPPEND IN E-B-11 CELL. I WAS NEVER SEEN BY PSYCH OR MEDICAL. I HAD TO REPORT IT THE NEXT DAY IN WHICH MS. SMITH HAD ME ADMITTED TO THE P.O.C UNIT
3. AN ALLEGATION OF ABUSE AND A GRIEVANCE WAS FILED THIS STARTED AN INTERNAL INVESTIGATION, AFTER INTERVIEW WHICH HAD VIDEO OF ME BEING SPRAYED WITH O.C WHILE I HAD HEAD PHONES ON AND A COMMISSARY SLIP IN MY HAND. A CAMPAIGN OF HARRASMENT STARTED AFTER THIS.

4. ● PHONE NUMBERS WERE REMOVED FROM LIST, CASH SLIP FOR ISLAMIC EID-FAST DIDNT GET TURNED IN, A RAZOR ENDED UP BEING FOUND IN A SHIRT WITH MY NAME ON IT. PUBLICATIONS AND MAGAZINES SENT IN THE MAIL FROM THE SECURE PROCESSING CENTER CAN NOT BE LOCATED, CELL CONTENTS WERE LOST, SHOWERS BEING DENIED. NOSE WAS BROKEN AT THE HOSPITAL AFTER BEING ASKED ABOUT ABUSE ALLEGATIONS AND CASE, SHEETS AND LINENS BEING TAKEN, PLACED ON MOD BAGS AND NO CONTAINER RESTRICTIONS BEING TOLD IF I CONTINUE THE GRIEVANCE PROCESS OR FILE A LAW SUIT THE MONEY WOULD BE TAKEN OFF OF MY BOOKS. I HAVE NOT BEEN ABLE TO USE THE LAW LIBRARY TO FIND THE NECESSARY FORMS AND CITATIONS, AND ^{FOR} MEMORANDUM AND HAVE BEEN THREATEND TO BE CHARGED.

5. IT HAS COME TO MY ATTENTION THAT CO#1 ISSAC IS FRIENDS OR A RELATIVE OF MY VICTIM IN MY CASE AND THERE ARE OTHER CO'S AND STAFF WHO ARE RELATIVES AND FRIENDS OF MY VICTIM.

IV. EXHAUSTION OF [REDACTED] LEGAL REMEDIES

PLAINTIFF TIMMONS FILED ALLEGATION OF ABUSE AND USED THE PRISONER GRIEVANCE PROCEDURE AVAILABLE AT SCI FRACKVILLE TO TRY AND SOLVE THE PROBLEM, IN THE MONTH OF DECEMBER. PLAINTIFF TIMMONS WAS INTERVIEWED FOR ALLEGATION OF ABUSE IN THE MONTH OF JANUARY. [REDACTED] INVESTIGATION WAS COMPLETED ON 9-9-20 AFTER IT WAS SENT TO B.I-I ABUSE ALLEGATION INVESTIGATION WAS COMPLETED. [REDACTED] PLAINTIFF TIMMONS THEN APPEALED INITIAL GRIEVANCE TO THE FACILITY MANAGER AND RECEIVED RESPONSE ON 10-9-20. PLAINTIFF FILED FINAL APPEAL ON 10-23-20.

V. LEGAL CLAIMS

PLAINTIFFS REALLEGE AND INCORPORATE BY REFERENCE PARAGRAPHS

THE EXCESSIVE FORCE AND INDIFFERENCE TO MEDICAL NEEDS, AND RETALIATION CAMPAIGN HARRASSMENT VIOLATED PLAINTIFF TIMMON'S RIGHTS AND CONSTITUTED, CRUEL AND UNUSUAL PUNISHMENT AND A DUE PROCESS VIOLATION UNDER THE, 8th, 5th AMENDMENT TO THE UNITED STATES CONSTITUTION

THE PLAINTIFF HAS NO PLAIN, ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE ~~REMEDY~~ RELIEF WHICH PLAINTIFF SEEKS.

VI. PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFFS:

A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

A PRELIMINARY INJUNCTION, AND A TEMPORARY RESTRAINING ORDER ORDERING DEFENDANTS, ISSAC AND EDMONDS AND PERSONS ACTING IN CONCERT AND PARTICIPATION WITH THEM FROM DENYING ALL CONSTITUTIONAL PROTECTED RIGHTS, ACCESS TO THE LAW LIBRARY, SHOWERS, INCOMING MAIL AND PUBLICATIONS, PHONE CALLS ACCESS TO GRIEVANCES CASH SLIPS REQUEST SLIPS, ETC. THAT ALL HARRASSMENT BE CEASED AND PLAINTIFF BE ON CCTV VIDEO ANY TIME HE HAS CONTACT WITH STAFF WHILE HOUSED IN THE R.H.U AND LAW SUIT IS PENDING

COMPENSATORY DAMAGES IN THE AMOUNT OF \$ 40,000
AND PUNITIVE DAMAGES IN THE AMOUNT OF \$70,000

A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY

PLAINTIFFS COSTS IN THIS SUIT

ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST PROPER AND
EQUITABLE

DATED: 10/23/20 B. J.
RESPECTFULLY SUBMITTED,

BRANDON TIMMONS # LJ-7735
1111 ALTAMONT BLVD, FRACKVILLE PA 17931

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY
THAT THE MATTERS ALLEGED THEREIN ARE TRUE EXCEPT AS TO
MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO
THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER
PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT 1111 ALTAMONT BLVD,
FRACKVILLE PA 17931

BRANDON TIMMONS #LJ-7735
SCI-FRACKVILLE
1111 ALTAMONT BLVD
FRACKVILLE PA 17931

INMATE MAIL
PA DEPT OF CORRECTIONS



RECEIVED
SCRANTON

NOV 03 2020

PER EA
DEPUTY CLERK

U.S. DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J NEAL FEDERAL BUILDING
235 N. WASHINGTON AVE
P.O. Box 1148
SCRANTON, PA 18501

